

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
MARCH 11, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 11, 2009 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Charles Alworth
Council Members:	Nathaniel Moran
	Donald Sanders
	Ralph Caraway
	Steve Smith
	Chris Simons
City Manager:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Budget/Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Fire Chief:	Neal Franklin
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Manager/Water Utilities Business Office:	Joan Roberson
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

**AWARDS**

**A-1 Service Awards**

**20 Years**

**Jimmie Frater**

**February 6, 1989 to February 6, 2009**

Jimmie Frater went to work for the City of Tyler on February 6, 1989 as a Custodian in the Parks Department. On October 15, 2000 he was promoted to Building Maintenance Worker, the position he currently holds. We are pleased to present Jimmie with an award for his 20 years of service with the City of Tyler.

**Susan Parrish**

**February 13, 1989 to February 13, 2009**

Susan Parrish went to work for the City of Tyler on February 13, 1989 as a Police Officer in the Police Department, the position she currently holds. We are pleased to present Susan with an award for her 20 years of service with the City of Tyler.

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**Darin Grissom**

**February 20, 1989 to February 20, 2009**

Darin Grissom went to work for the City of Tyler on February 20, 1989 as a Police Officer in the Police Department. On January 15 1996, he was promoted to Police Sergeant, the position he currently holds. We are pleased to present Darin with an award for his 20 years of service with the City of Tyler.

**25 Years**

**Theodore Royce Jr.**

**February 8, 1984 to February 8, 2009**

Theodore Royce Jr. went to work for the City of Tyler on February 8, 1984 as a Utility Account Servicer in the Water Department, the position he currently holds. We are pleased to present Theodore with an award for his 25 years of service with the City of Tyler.

**30 Years**

**Scott Rabe**

**February 1, 1979 to February 1, 2009**

Scott Rabe went to work for the City of Tyler on February 1, 1979 as a Firefighter in the Fire Department. On December 13, 1998 he was promoted to Fire Driver Engineer, the position he currently holds. We are pleased to present Scott with an award for his 30 years of service with the City of Tyler.

**35 Years**

**Jerry Smith**

**February 16, 1974 to February 16, 2009**

Jerry Smith went to work for the City of Tyler on February 16, 1974 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Jerry with an award for his 35 years of service with the City of Tyler.

These employees represent over **150** years of service with the City of Tyler.

**A-2** The following employees were hired by the City of Tyler during the month of February 2009. We would like to take this opportunity to welcome these new employees.

Patrick	Jones	Code Enforcement Officer	Code Enforcement Department
Christy	Copeland	Clerical Specialist	Human Resources Department
Leeman	Stracener	Firefighter Recruit	Fire Department
Rita	Ramsey	Administrative Assistant	Information Technology Dept.
Edward	Morgan	Courier	Police Department
Johnny	Walker	Public Safety Telecommunicator	Police Department
Douglas	Nisbet	Public Safety Telecommunicator	Police Department
Meghan	Simmons	Public Safety Telecommunicator	Police Department
George	Boyd	Residential Equipment Operator	Solid Waste Department
Russell	Robinson	Utilities Maintenance Repairer	Water Department

**HEARINGS**

**H-1 Request that the City Council conduct a public hearing and consider adopting an Ordinance amending Tyler City Code Chapter 15 to adopt a proposed Electric Power Franchise Ordinance with Oncor Electric Delivery Company, LLC, on the first of three readings.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

**RESOLUTION**

**R-1 Request that the City Council consider approving a Resolution suspending the proposed Water Rate/Tariff Change Application filed by Southern Utilities Company and authorize the City to intervene in related dockets before the Texas Commission on Environmental Quality. (R-2009-5)**

City Attorney, Gary Landers – Stated on January 26, 2009, Southern Utilities Company (Southern) filed a proposed Water Rate/Tariff Change application with the City of Tyler. The same application was filed with the Texas Commission on Environmental Quality (TCEQ) earlier in the month. Under TCEQ regulations the City of Tyler has original ratemaking jurisdiction for approximately 204 Southern customers within the City of Tyler city limits.

The rate application, as submitted, proposes an effective date of April 1, 2009. Under state law, the City of Tyler has the authority to suspend the effective date by ninety (90) days, until June 29, 2009. This will allow our consultants adequate time to review the application and assist staff in recommending an appropriate rate. Once the City of Tyler establishes a rate for Southern, Southern has the ability to appeal to the TCEQ. Therefore, it is in the City's best interest to intervene in the regulatory proceedings before the TCEQ concerning Southern's Water Rate/Tariff Change application.

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

**ORDINANCE**

**O-1 APPLICATION ZA03-09-001A UDC AMENDMENTS**



**Request that the City Council consider adopting an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to zoning, use regulations, streets and thoroughfares, subdivision design and improvements, development standards, development approval standards, landscape irrigation, parking, and administration and enforcement. (O-2009- 19) (with these changes: 1. signs on roof could not extend above the top of the mansard or flat roof as recommended by Planning & Zoning Commission, 2. then remove the wording on reducing tree landscaping on site plans but direct staff to bring back new wording on tree landscaping requirements at next City Council meeting and 3. do not include the recommended wording from Planning & Zoning Commission on brush hog and finish mower to the underbrush clearing without a grading permit section.)**

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Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as amended.

- O-2** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 to adjust the existing plumbing fee for yard sprinklers, to clarify the duties and responsibilities of the Development Services Engineer, and to amend the 2008 National Electrical Code provisions by clarifying the Arc-Fault Circuit-Interrupter Protection for bedroom receptacles. (O-2009-20)

Motion by Mayor Pro Tem Alworth; seconded by Councilman Moran; motion carried 7 - 0 & approved as presented.

### **MISCELLANEOUS**

- M-1** Request that the City Council consider authorizing the City Manager to award the construction contract for the Nottingham Lane Lift Station, Gravity Sewer Mains and Force Main to the low bidder, AAA Sanitation, in the amount of \$459,487.19. ©

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

- M-2** Request that the City Council consider authorizing the City Manager to execute an access easement agreement with Genecov Investments, Ltd., Sam Roosth, Trustee, Martha Jean Phillips, Harry Todd Phillips Individually and as Successor Independent Administrator of the Estate of Harry S. Phillips, Deceased, and James C. Phillips and Patrick Henry Clay, for the purpose of providing access to Cumberland Road. ©

Motion by Councilman Smith; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

**(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item).**

- C-A-1** Request that the City Council consider authorizing the City Manager to purchase two undercover East Texas Auto Theft Task Force vehicles for a total purchase price of \$47,182.10.
- C-A-2** Request that the City Council consider authorizing the City Manager to purchase one Ford F-550 Flatbed Dump Truck for a total purchase of \$32,246.33.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase one Kubota Model M8540DTC-1 Tractor for a total purchase of \$30,225.00.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase two John Deere Model 544K Loaders with cash back at purchase.

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Motion by Mayor Pro Tem Alworth to approve the entire consent agenda; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

**APPOINTMENTS TO BOARDS**

**B-1 Request that the City Council consider appointing a chair for the Disabilities Issues Review Board.**

Motion by Councilman Simons to appoint Judd Quarles as Chair for the DIRB Board; seconded by Councilman Moran; motion carried 7 - 0 & approved as presented.

**CITY MANAGER'S REPORT**

1. Postcard re nuisance (high weeds) will be sent out
2. Monthly CIP list update
3. 09-10 Budget update, consider bid out portion of Parks maintenance and a letter go out to outside agencies that may not be able to fund at prior levels.

**RECESS FOR EXECUTIVE SESSION**

**ADJOURNMENT**

Motion by Mayor Pro Tem Alworth to adjourn the meeting at 9:50 am; seconded by Councilman Simons; motion carried 7 - 0 & meeting adjourned.

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

